

# Senate Study Bill 3113 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

## A BILL FOR

1 An Act providing an exemption from liability for an officer  
2 or employee of a school district or local school board  
3 under the Iowa municipal tort claims Act due to a person's  
4 participation in a non-school-sponsored extracurricular  
5 activity on school grounds.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 670.4, subsection 1, Code 2014, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *p.* Any claim based upon an act or omission  
4 by an officer or employee of a school district or a local  
5 school board, or a local school board itself, due to a person's  
6 participation in a non-school-sponsored extracurricular  
7 activity on school grounds. This paragraph shall not apply  
8 to claims based upon gross negligence. For purposes of this  
9 paragraph, "*school grounds*" means real property, and any school  
10 buildings, attendance centers, accessory buildings, structures,  
11 and improvements thereon, owned, leased, or rented by a school  
12 district and used primarily for public school purposes.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with  
15 the explanation's substance by the members of the general assembly.

16 Under the Iowa municipal tort claims Act (IMTCA, Code  
17 chapter 670), every municipality (defined as a city, county,  
18 township, school district, and any other unit of local  
19 government except soil and water conservation districts)  
20 is subject to liability for its torts and those of its  
21 officers and employees acting within the scope of their  
22 employment or duties, whether arising out of a governmental  
23 or proprietary function, except as otherwise provided in the  
24 IMTCA. Municipalities are required to defend, hold harmless,  
25 and indemnify municipal officers and employees from any claims  
26 occurring within the scope of their employment or duties.  
27 Municipal officers and employees under Code section 670.12 are  
28 not liable for such exempted claims unless actual malice or  
29 willful, wanton, and reckless misconduct is proven. The IMTCA  
30 contains 15 exclusions from liability for certain types of  
31 claims.

32 The bill excludes any claim based upon an act or omission  
33 by an officer or employee of a school district or a local  
34 school board, or a school board itself, due to a person's  
35 participation in a non-school-sponsored extracurricular

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1 activity on school grounds, except for claims based on gross  
2 negligence. For purposes of the bill, "school grounds"  
3 means real property, and any school buildings, attendance  
4 centers, accessory buildings, structures, and improvements  
5 thereon, owned, leased, or rented by a school district and used  
6 primarily for public school purposes.